

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 307.12, 307A.2, 328.12, 328.19 and 2016 Iowa Acts, chapter 1131, section 3, the Iowa Department of Transportation hereby gives Notice of Intended Action to amend Chapter 720, "Iowa Airport Registration," and Chapter 750, "Aircraft Registration," Iowa Administrative Code.

The proposed amendments to Chapter 720:

- Update a phone number, Web site address and the chapter's implementation sentence.
- Update references to the Federal Aviation Administration's circular concerning standards for airport markings.
- Add a new subrule, in compliance with 2016 Iowa Acts, chapter 1131, section 3, which concerns the process used by the Department to review contractual obligations when an airport closes.

The proposed amendments to Chapter 750 update a Web site address and remove reference to issuing a certificate for an aircraft that is not airworthy since the certificate is already addressed in Iowa Code section 328.21.

These rules do not provide for waivers. Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Any person or agency may submit written comments concerning these proposed amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to Tracy George, Rules Administrator, Iowa Department of Transportation, Operations and Finance Division, 800 Lincoln Way, Ames, Iowa 50010; e-mail: tracy.george@iowadot.us.
5. Be received by the Department's rules administrator no later than July 11, 2017.

A meeting to hear requested oral presentations is scheduled for Friday, July 14, 2017, at 10 a.m. in the Administration Building, First Floor, South Conference Room, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 328.12 and 328.19 and 2016 Iowa Acts, chapter 1131, section 3.

The following amendments are proposed.

ITEM 1. Amend subrule 720.4(1) as follows:

720.4(1) Application for site approval. The sponsor shall complete Iowa Department of Transportation Form 300025, "Airport Site Approval and New Registration Application," and submit it to the office of aviation. This form is available from the Office of Aviation, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone ~~(515)239-1691~~ (515)239-1468; or through the Internet department's Web site at ~~http://www.iawings.com~~ www.iowadot.gov.

a. and b. Rescinded IAB 7/4/07, effective 8/8/07.

ITEM 2. Amend subparagraph **720.10(2)“b”(1)** as follows:

(1) Paved runways. Paved runways shall be marked in accordance with FAA Circular ~~150/5340-1J~~ 150/5340-1L (Standards for Airport Markings) as amended through ~~April 29, 2005~~ September 27, 2013.

ITEM 3. Amend paragraph **720.10(3)“a”** as follows:

a. Approaches shall be clear of obstructions above a glide path of 20:1 from the ends of each usable runway. If an obstruction exists in an approach zone, the runway threshold on a paved runway shall be displaced in accordance with FAA Advisory Circular ~~150/5340-1J~~ 150/5340-1L (Standards for Airport Markings) as amended through ~~April 29, 2005~~ September 27, 2013. On a nonpaved runway, the runway end markers shall be relocated to provide the prescribed obstruction clearance. The runway length remaining between the displaced threshold and the departure end of the runway is the landing distance available.

ITEM 4. Amend rule 761—720.15(328) as follows:

761—720.15(328) Airport closing.

720.15(1) No change.

720.15(2) Marking. All marking indicating a usable runway shall be obliterated. The sponsor shall place at a central location a yellow X in accordance with FAA Advisory Circular ~~150/5340-1J~~ 150/5340-1L (Standards for Airport Markings) as amended through ~~April 29, 2005~~ September 27, 2013.

720.15(3) Temporary closing. When conditions require the temporary closing of a runway, it shall be marked on both ends with a yellow X in accordance with FAA Advisory Circular ~~150/5340-1J~~ 150/5340-1L (Standards for Airport Markings) as amended through ~~April 29, 2005~~ September 27, 2013.

720.15(4) Repayment of financial assistance.

a. *Review of closure on or after [insert effective date of this subrule].* Within 30 days of closing an airport (other than temporary closing), the sponsor shall request from the department a review of contractual obligations that require repayment of financial assistance. The department will provide a determination detailing grant obligations that must be repaid. Any repayment of grants must be made to the department in no more than five equal annual installments, beginning one year from the airport's closure date. If an alternative future use of the airport facility is planned for a project that creates jobs and expands the economy, the sponsor may, within 30 days of the department's determination, request forgiveness of repayment. The request must include a plan detailing the alternative future use of the airport facility, an explanation of how the alternative future use creates jobs and expands the economy, a cost-benefit analysis from the sponsor, a commitment of private investment in the project equal to at least two times the amount of repayment due to the state, and a commitment from the sponsor, or associated political subdivision(s), to complete the alternative use project within five years. The department will review the request for forgiveness of repayment and approve or deny the request within 60 days of receipt.

b. *Review of closure after July 1, 2015, and before [insert effective date of this subrule].* An airport that closed after July 1, 2015 (other than temporary closing), but before [insert effective date of this subrule], is eligible to request forgiveness for repayment of financial assistance from the department. By [insert effective date of this subrule, plus 30 days], the sponsor shall request from the department a review of contractual obligations that require repayment of financial assistance. The department will provide a determination detailing grant obligations that must be repaid. Any repayment of grants must be made to the department in no more than two equal annual installments, beginning one year from [insert effective date of this subrule]. If an alternative future use of the airport facility is planned for a project that creates jobs and expands the economy, the sponsor may, within 30 days of the department's determination, request forgiveness of repayment. The request must include a plan detailing the alternative future use of the airport facility, an explanation of how the alternative future use creates jobs and expands the economy, a cost-benefit analysis from the sponsor, a commitment of private investment in the project equal to at least two times the amount of repayment due to the state, and a commitment from the sponsor, or associated political subdivision(s), to complete the alternative

use project within five years. The department will review the request for forgiveness of repayment and approve or deny the request within 60 days of receipt.

ITEM 5. Amend **761—Chapter 720**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 328.1, 328.12, 328.19 and 328.35 and 2016 Iowa Acts, chapter 1131, section 3.

ITEM 6. Amend rule 761—750.3(17A) as follows:

761—750.3(17A) Information and forms. Information, instructions and forms are available from the office of aviation or on the department's Web site at <http://www.iawings.com> www.iowadot.gov. Application forms may also be obtained from aircraft dealers. The mailing address for aircraft registration is: Iowa Department of Transportation, Office of Aviation, Aircraft Registration, 800 Lincoln Way, Ames, Iowa 50010.

This rule is intended to implement Iowa Code section 17A.3.

ITEM 7. Amend rule 761—750.15(328) as follows:

761—750.15(328) Aircraft not airworthy. An aircraft that is not airworthy is not subject to registration fees if the owner submits with the registration application a written, signed explanation of the aircraft's condition and an estimate of the date when the aircraft will be airworthy. The department shall ~~issue a certificate and shall~~ mark the record of the aircraft until the owner notifies the department that the aircraft is airworthy or until the aircraft is no longer subject to registration in Iowa.

This rule is intended to implement Iowa Code section 328.21.